

IN THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 1. This sheet, which includes Fig. 1, replaces the original sheet including Fig. 1.

Attachment: Replacement Sheet

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-26 are presently active in this case. The present Amendment amends Claims 1 and 12, cancels Claims 11 and 22, and adds Claims 23-26.

In the outstanding Office Action, the drawings were objected to because of missing labels. The disclosure was objected to because of informalities. Claims 1-22 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-17 of Le Draoullec et al. (U.S. Patent No. 6,697,718). Claims 1-3, 8-10, 12-14, and 19-21 were rejected under 35 U.S.C. § 102(b) as being anticipated by Records et al. (U.S. Patent No. 5,522,026). Claims 4, 5, 15, and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Records et al. patent in view of Lancki (U.S. Patent No. 6,097,998) and other references. Claims 6 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Records et al. patent in view of Jeffrey et al. (U.S. Patent No. 6,262,720). Claims 7, 11, 18, and 22 were indicated as allowable if rewritten in independent form upon filing of a terminal disclaimer.

In response to the objection to the drawings, submitted herewith is a Letter Submitting Replacement Drawings Sheets along with 1 Replacement Sheet for Fig. 1 adding descriptive labels as requested in the Office Action. Fig. 1 of the present application is now identical to Fig. 1 of the Le Draoullec et al. patent issued for the parent application and therefore believed to be compliant. Accordingly, no further objection on this basis is anticipated.

In response to the objection to the disclosure, the cited informalities have been corrected by the present amendment to the Cross-Reference to Related Applications section, which now specifies the status of the parent application. Accordingly, the objection is believed to have been overcome.

In response to the rejection of Claims 1-22 under the judicially created doctrine of double patenting, Applicant herewith files a terminal disclaimer in compliance with 37 C.F.R. § 1.321 thereby overcoming the double patenting rejection of Claims 1-22. For the record, Applicant notes that the "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection."¹

Applicant appreciatively acknowledges the identification of allowable subject matter in Claims 7, 11, 18, and 22. In response, Claim 1 is amended to incorporate the features of allowable Claim 11. Similarly, independent Claim 12 is amended to incorporate the features of allowable Claim 22. Claims 11 and 22 are thus canceled without prejudice. Allowable Claims 11 and 22 now being in independent form the 35 U.S.C. § 102(b) and/or 35 U.S.C. § 103(a) rejections of Claims 1-6, 8-10, 12-17, and 19-21 are moot and Claims 1-10 and 12-21 are allowable.

In order to vary the scope of protection recited in the claims, new Claims 23-26 are added. Independent Claim 23 and dependent Claim 24 recite features from allowable Claim 7. Similarly, independent Claim 25 and dependent Claim 26 recite features from allowable Claim 18. Claims 23-26 are therefore believed to be allowable. Being combinations of original claims, new Claims 23-26 find non-limiting support in the disclosure as originally filed. Therefore, the new claims are not believed to raise a question of new matter.²

¹ Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 874, 20 USPQ2d 1392, 1394-5 (Fed. Cir. 1991).

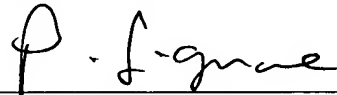
² See MPEP 2163.06 stating that "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter."

Application No. 10/718,589
Reply to Office Action of June 30, 2004

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Philippe J.C. Signore, Ph.D.
Attorney of Record
Registration No. 43,922

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)